

Alejandro L. Lucero-Vasquez

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date.)

Q. Do you recognize this picture
(handing)?

A. Yes.

Q. What do you recognize the picture
to be?

A. Well, this is the building that we
were demolishing.

MR. NACHIMOVSKY: I'm just
going to put on the record because
we've got to be very accurate with
the way I ask the questions,
please, Mr. Interpreter, it's a
little bit difficult because we're
using two languages but try asking
him the exact questions that I'm
asking so we could end up with a
good record.

Q. Now, you were not demolishing the
building; is that correct?

A. No.

Q. In other words, building is still
there; is that right?

A. Yes.

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Q. Now, what is it that you were demolishing within the building?

A. The double walls that the building had.

Q. Now, are we talking about the exterior wall of the building, was it a double wall or are we talking about interior walls within the building?

A. Inside the building.

Q. Inside the building so we're talking about interior walls, is that correct?

A. Yes.

Q. You indicated earlier in your testimony that the third floor had several rooms; I didn't get how many rooms it had?

A. Yes.

Q. How many rooms does it have?

A. Six.

Q. Are they all the same size?

A. No, not all of them.

Q. Where was the biggest room?

A. By the front, this is the front (indicating).

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MR. NACHIMOVSKY: This is to the front of the building. He's indicating it's the lower portion of Exhibit A. He's pointing to the lower portion of Exhibit A now, which is the third floor.

Q. If you pointed on this picture, where would the third floor be?

A. That one by this side to here all the way (pointing).

MR. NACHIMOVSKY: He's indicating a statue here and indicating that that's the third floor?

A. Yes.

Q. Do you know who bricked up these windows?

A. No, I don't know because when I got to work there everything was already covered.

Q. In other words, it was bricked up when you got to the building, it was bricked up; is that correct?

A. Yes.

Q. When you got to the building, was

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there a fence around it already?

A. Yes.

Q. Are there any open doorways in the building on any of the sides?

A. No.

Q. Where on this picture, if anywhere, is there an opening in the fence?

A. In order to enter into the building?

Q. In order to enter or to exit?

A. In the front, by the front.

Q. Are you pointing at the right side, are you pointing at the lower portion right here (pointing)?

A. The fence has a gate.

MR. NACHIMOVSKY: The fence has a gate and he's indicating it's in the lower left-hand portion of Defendant's Exhibit A.

Q. Now, that would be a gate in the outside perimeter fence; is that correct?

A. Yes.

Q. Is there another door in order for to you access the building?

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A. Yes.

Q. Is this the doorway by which you entered the building and I'm pointing to the lower left-hand portion of Defendant's Exhibit A, the semi circular arc (pointing)?

MR. STEINBERG: Just so we're clear, the description you're giving being lower left-hand corner, you're holding it horizontally, you're holding it landscape just so the record is clear.

MR. ISAACSON: Yes.

Q. When you came to work on a regular day they had to open one set of locks or two sets of locks?

A. Two sets because one is the fence and the other they cut.

Q. Again, one is the fence and I don't understand the second part?

A. There is a like a drape or curtain that is below the statue, okay. It is right there (pointing) like a rolling gate.

Q. A rolling gate.

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1 Did you ever have the keys to these
2 locks?
3

4 A. No.

5 Q. Have you been around the entire
6 building?

7 A. Yes, because we used to clean all
8 the concrete and debris and the garbage
9 around there.

10 Q. And the fence, does the fence go
11 around the entire building?

12 A. Yes.

13 Q. Now, what you indicated was a
14 roll-top gate; after they lift the gate, you
15 go inside the building; is that right?

16 A. Yes.

17 Q. Did you wear any safety equipment
18 when you went inside?

19 MR. STEINBERG: Just note my
20 objection to the question.

21 He can answer.

22 A. No.

23 Q. Was there safety equipment there?

24 A. No.

25 Q. Did you have hard-hats in the

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building?

A. No.

Q. Did you have vests in the building?

A. No.

Q. Did you have gloves?

A. Yes, gloves, yes. We were given gloves, yes.

Q. When was the first time you met Aurelisno Lazaro?

A. When I began working there.

Q. Did you meet him on the first day of work?

A. Yes, because Bali said to me, "You are going to work with him," and he tell him to teach me.

Q. And how long had Aurelisno been there?

A. I don't know how long.

Q. Was he a good worker?

A. Yes.

Q. What made him a good worker?

A. He would knock down the walls and he would do whatever they wanted him to do.

Q. How did he knock down the walls?

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A. Bali was always said to him to,
"Knock down from bottom to top."

Q. From bottom to top?

A. Yes, from bottom to top. It is
dangerous but.

Q. Why is it dangerous?

A. Because if you knock it from the
bottom up, the upper portion tends to shake
and may come down.

Q. How high is the ceiling in the
room?

A. It was high. We have to -- we have
to use three or four roofs in order to get up
there -- what I mean, I have to use scaffold
to reach up there.

Q. When was the first time you used a
scaffold?

MR. STEINBERG: Note my
objection to the question.

A. About three months. When they tell
me how to knock down the roof, the ceiling, I
begin to knock all this ceiling down.

MR. STEINBERG: You have to
answer his question.

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Q. What do you mean by knocking down the ceiling?

MR. STEINBERG: Note my objection to the question.

A. They leave a space from the ceiling up and we have to knock it down. That portion is used to hang lamps and things like that.

Q. What tools did you use to knock it down?

THE INTERPRETER: Can we talk a two-minute break to look through the dictionary?

Q. It's a saw, like an electric saw?

A. It has like a wheel and then it cuts through any material. It's emery wheel.

Q. Emery wheel, is that what it is?

A. Yes.

Q. And that emery wheel, is that plugged into the wall?

A. Yes, and we were provided with these long cabling.

Q. Long cables?

A. In order to plug it in.

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Q. How much material do you think
you've taken out of the third floor?

A. A lot.

Q. That you did?

A. Well, it was a large room but I
did.

Q. Did you take all the walls down the
same way?

MR. STEINBERG: Just note my
objection.

He didn't say he took down
all the walls.

A. Yes, all the people, all of us
working there.

Q. Describe the work in taking down
this large room.

A. It was a large room. In order to
knock it down, there was a lot of work.

Q. Yes but I need to know what kind of
work?

A. We have to demolish all the ceiling
up there, the whole ceiling up there.

Q. After you demolished the ceiling,
then what did you do?

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2 A. Then we continue with all the
3 smaller rooms.

4 Q. When do you take down the walls?

5 A. After we knocked all the ceilings
6 but Mr. Bali, he wanted to leave it just like
7 that but the main contractor he said that he
8 needed, they needed more room, a bigger
9 place, more space.

10 Q. How many rooms were there when you
11 started working there?

12 A. Well, basically there are six.

13 Q. When you finished working?

14 A. Well, there was a small crew and we
15 were working slowly.

16 Q. When you started working there were
17 six rooms, when you finished working there
18 were also six rooms?

19 A. Yes. Basically, we have to knock
20 it down but with the double walls from all
21 over.

22 Q. These double walls were interior
23 walls?

24 A. Yes, interior walls.

25 Q. Within the rooms themselves there

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were double walls?

A. Yes.

Q. Did they go from floor to ceiling
or did they go to a lower height?

A. Up there.

Q. Up to the ceiling?

A. Yes, the walls.

Q. How long did it take you to take
the ceiling down in that primary room, in the
large room?

MR. STEINBERG: Just note my
objection to the form.

A. Two or three days.

Q. Then after you took the ceiling
down, what did you do?

MR. STEINBERG: Just note my
objection to form, please.

A. Then I have to cut the ceiling
because there is like a wire mesh or some
type of net.

Q. What did you use to cut the
ceiling?

A. We used the machine I mentioned
previously, the emery wheel. The machine has

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2 like a wheel.

3 Q. You used a emery wheel to cut down
4 these pieces of metal; is that right?

5 A. Yes.

6 Q. What other power tools did you have
7 there?

8 MR. STEINBERG: Just note my
9 objection to the line of
10 questioning.

11 A. I had just that and this electrical
12 hammer.

13 Q. What kind of electrical hammer?

14 A. It was more like a drill but he use
15 like a drill about this width (indicating)
16 and then you start using and it starts
17 opening the wall.

18 Q. Is that an impact hammer, is that
19 what you mean?

20 A. Yes.

21 Q. How did you learn to use the impact
22 hammer?

23 MR. STEINBERG: Note my
24 objection to the question.

25 A. Well, Mr. Aurelisno, he tell me how

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2 to use it because he had been longer time
3 there.

4 Q. Do you know where Mr. Aurelisno is
5 today?

6 A. No.

7 Q. Do you know where he lives?

8 A. No.

9 Q. And you have not seen him since?

10 A. Not since that time.

11 Q. Did your nephew continue to work at
12 the place?

13 A. Yes.

14 Q. You have your nephew's telephone
15 number?

16 A. I don't have it with me right now.

17 MR. NACHIMOVSKY: Just leave
18 a blank in the transcript and
19 please, provide us with that
20 information.

21 A. Yes.

22 (ININSERT) : _____

23 Q. And your nephew's address?

24 A. I don't remember right now.

25 MR. NACHIMOVSKY: Leave a

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blank in the transcript for your
nephew's address.

(INSERT) : _____

Q. Aren't you living with your nephew?

A. No.

Q. Where are you living right now?

A. The address I just provided before,
221 East 168th Street.

Q. Apartment number?

A. Apartment 4-B.

Q. This is in Manhattan or?

A. Bronx.

Q. Do you have a lease for that
apartment?

MR. STEINBERG: Note my
objection to the question, please.

A. No. It is, it was leased by my
niece.

Q. Does your niece live with you?

A. Yes.

Q. On the date of the accident, did
you have a telephone?

A. Yes.

Q. What is the number of that

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telephone?

MR. STEINBERG: Just note my
objection.

A. Are you asking me for my phone
number?

Q. Yes?

A. (347) 370-7226.

Q. Is the telephone in your name?

A. No, it's -- I don't have any
contract but it is a prepaid phone. I have
to buy a new card. I have to renew it.

Q. Do you know which company?

A. Boost, B-O-O-S-T.

Q. You get bills for the phone or you
don't get any bills for the phone?

MR. STEINBERG: Just note my
objection.

A. No.

Q. Do you receive mail at this
address, 221 East 168th Street?

MR. STEINBERG: Just note my
objection.

A. Yes.

Q. Is the telephone number that you

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had at that time the same telephone number that you have today?

A. Yes.

Q. Have you sustained any other jobs since that time?

MR. STEINBERG: Note my objection to the question.

You can answer. I'm going to let him answer but just note that has nothing to do with the issue in this federal case. If you're doing further discovery on the injury case on another person --

MR. NACHIMOVSKY: -- I need to know if whether he was working or not working. I'll try to keep it a little more focused.

Q. Did you take any other jobs since that time after the accident, after the day of the accident?

A. After the accident? No.

Q. It's my understanding that the date of the accident was November 8, 2006; is that

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correct?

A. Yes, it is.

MR. NACHIMOVSKY: Mark the
next exhibit.

(A verification document was
marked as Defendant's
Exhibit B, for
identification, as of this
date.)

Q. I'm pointing to a signature on the
upper third, right-hand portion of
Defendant's Exhibit B (pointing); is that
your signature (handing)?

A. Yes, it is.

Q. Mr. Vasquez, have you taken any
medications before coming here today?

A. Here?

MR. STEINBERG: Here?

A. Yes.

Q. What medications?

A. I took this pill for diabetes, my
diabetes.

Q. What is the name of the medication?

A. I have the prescription, but I

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don't remember.

Q. We'll just leave a blank for the prescription.

A. Okay.

(INSERT): _____

Q. Have you drank any alcohol before coming in here today?

A. No.

Q. How often during a week would you drink alcohol, if any?

MR. STEINBERG: Note my

objection to the question.

A. No, I don't drink, consume any alcohol and I am not an alcoholic.

Q. On the date of the accident, did you have any alcohol, did you drink any alcohol?

A. No.

Q. You indicated that you don't remember what day of the week it was; is that correct?

A. Yes, that's correct.

Q. Did you ever have a chance to visit the owner of the construction company at his

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house?

A. No.

Q. Is there any particular day of the week when the construction company would pay you?

A. By the weekend.

Q. What day of the weekend?

A. On Saturday. We were working on Saturdays.

Q. Now, on the date of the accident, you indicated that there were other workers that left earlier than you; is that correct?

A. Yes.

Q. Did those workers get paid that day?

A. No. They just got paid for half day.

MR. STEINBERG: I think you're asking two different things.

Are you asking did they physically get paid?

MR. NACHIMOVSKY: Yes.

Q. On November 8th of 2006, did the workers physically get paid in cash on that